

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

2005 SEP 20 PM 3:36
05-CVS-11118
MECKLENBURG COUNTY, C.S.C.

JOSEPH STANLY JABKIEWICZ,
Administrator of the ESTATE OF
KATHLEEN MARIE JABKIEWICZ, and
JOSEPH STANLY JABKIEWICZ,
Individually, and as Guardian Ad Litem for
Minors MATTHEW JOSEPH
JABKIEWICZ and MICHAEL STEVEN
JABKIEWICZ,

Plaintiffs,

vs.

JOSEPH G. JEMSEK, M.D.,
CHRISTIE ROESKE, R.N.P., and
THE JEMSEK CLINIC, P.A.,

Defendants.

STATEMENT OF MONETARY
RELIEF SOUGHT

NOW COME the Plaintiffs, through counsel, pursuant to Rule 8(a)(2) of the North Carolina Rules of Civil Procedure, and hereby state that the amount of monetary relief sought by them for their claims as set forth in the Complaint filed in this case is fifteen million dollars (\$15,000,000.00), together with any exemplary damages as may be awarded by the court upon the trial of this action.

This the 20th day of September, 2005.

OF COUNSEL:

CAUDLE & SPEARS, P.A.
121 West Trade Street
2600 Interstate Tower
Charlotte NC 28202
Telephone: 704-377-1200
Facsimile: 704-338-5858


Harold C. Spears



Eric Allen Rogers

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that the pleading or paper to which this certificate is attached was served upon each party to this action by the deposit of a copy thereof enclosed in a postpaid, properly addressed wrapper in an official depository under the exclusive care and custody of the United States Postal Service for mailing to the attorney of record for each party at his last known address.

This the 20 day of September, 2005:


Eric Allen Rogers
Attorney for Plaintiffs

STATE OF NORTH CAROLINA **FILED** IN THE GENERAL COURT OF JUSTICE
COUNTY OF MECKLENBURG **05 OCT -5 AM 11:39** SUPERIOR COURT DIVISION
05-CVS-11118

MECKLENBURG CO., C.S.G.
JOSEPH STANLY JABKIEWICZ,
Administrator of the ESTATE OF
KATHLEEN MARIE JABKIEWICZ, and
JOSEPH STANLY JABKIEWICZ,
Individually, and as Guardian Ad Litem for
Minors MATTHEW JOSEPH
JABKIEWICZ and MICHAEL STEVEN
JABKIEWICZ,

Plaintiffs,

v.

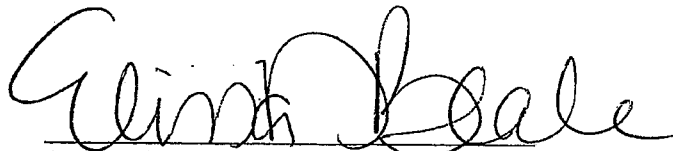
JOSEPH G. JEMSEK, M.D.,
CHRISTIE ROESKE, R.N.P., and
THE JEMSEK CLINIC, P.A.,

Defendants.

**ORDER GRANTING DEFENDANT, THE
JEMSEK CLINIC, P.A., 'S MOTION FOR
EXTENSION OF TIME TO RESPOND TO
PLAINTIFF'S SECOND SET OF
INTERROGATORIES**

On Motion and for good cause shown, the Defendants' time for answering or objecting to Plaintiffs' Second Set of Interrogatories, pursuant to Chapter §1A-1 of the General Statutes of North Carolina, is hereby enlarged for a period of thirty (30) days, or through and including November 28, 2005.

This 5 day of October, 2005.


(Deputy/Assistant) Clerk of Superior Court

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

FILED IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

05 OCT -5 AM 11:39 05-CVS-11118

JOSEPH STANLY JABKIEWICZ, MECKLENBURG CO., C.S.G.
Administrator of the ESTATE OF
KATHLEEN MARIE JABKIEWICZ, and
JOSEPH STANLY JABKIEWICZ,
Individually, and as Guardian Ad Litem for
Minors MATTHEW JOSEPH
JABKIEWICZ and MICHAEL STEVEN
JABKIEWICZ,

Plaintiffs,

v.

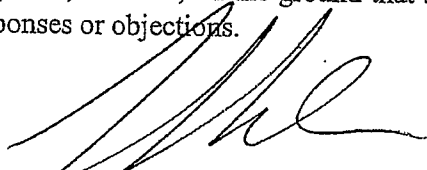
JOSEPH G. JEMSEK, M.D.,
CHRISTIE ROESKE, R.N.P., and
THE JEMSEK CLINIC, P.A.,

Defendants.

MOTION FOR EXTENSION OF TIME
AND ORDER

NOW COMES a Defendant in the above-captioned matter, THE JEMSEK CLINIC, P.A., pursuant to G.S. §1A-1, Rule 6, prior to expiration of time for responding to or objecting to Plaintiffs' Second Set of Interrogatories, which were served by mail on September 29, 2005, and to which answers are otherwise due on October 31, 2005, and hereby moves the Court for an Order enlarging its time for thirty (30) days, or through and including November 28, 2005, within which to answer or object, pursuant to G.S. §1A-1, Rule 12, on the ground that said Defendant needs additional time to prepare and serve responses or objections.

This the 3 day of October, 2005.



Tricia Morvan Derr (State Bar No. 24438)
James P. Cooney, III, Esq. (State Bar No. 12140)

OF COUNSEL:

WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
3300 One Wachovia Center
301 South College Street
Charlotte, NC 28202-6025
Telephone: 704-333-4998

Attorneys for Defendant

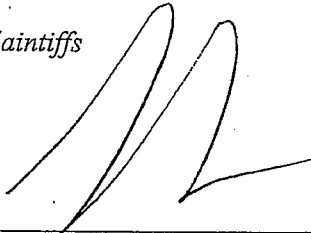
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing Motion for Extension of Time and Order was served on the Plaintiffs by causing to be deposited a copy of the same in an official depository of the United States Postal Service, in a postage-paid envelope, addressed to Plaintiffs' counsel of record as follows:

Harold C. Spears
Eric Allen Rogers
Caudle & Spears, P.A.
2600 Interstate Tower
121 West Trade Street
Charlotte, NC 28202

Attorneys for Plaintiffs

This 5 day of October, 2005



Tricia Morvan Derr

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

Part 9

Page 7 of 12

IN THE GENERAL COURT OF JUSTICE

SUPERIOR COURT DIVISION

CASE NUMBER: 05-CVS-011118

JOSEPH STANLY JABKIEWICZ,
Administrator of the ESTATE OF
KATHLEEN MARIE JABKIEWICZ, and
JOSEPH STANLY JABKIEWICZ,
Individually, and as Guardian Ad Litem for
Minors MATTHEW JOSEPH
JABKIEWICZ and MICHAEL STEVEN
JABKIEWICZ,

PLAINTIFFS

VS.

MOTION AND ORDER FOR
CONTINUANCE

JOSEPH G. JEMSEK, M.D.,
CHRISTIE ROESKE, R.N.P., and
THE JEMSEK CLINIC, P.A.,

DEFENDANTS

The undersigned attorney requests a continuance or extension of time in the above captioned matter based upon the following reason(s):

On November 28, 2005, Plaintiffs' Counsel Eric Allen Rogers will be in trial, and Harold C. Spears, his co-counsel, will be attending a hearing in Macon, Georgia. As both parties have consented to this Motion for Continuance, we respectfully request that the Discovery Conference be rescheduled for January 9, 2006.

PREVIOUS NUMBER OF CONTINUANCES: 0

PRESENTLY CALENDARED FOR TRIAL ON:

Eric Allen Rogers, Esq.

Attorney for (x) Plaintiffs () Defendants

Date

Attention Opposing Party: You must file any response to this motion no later than two days after the date that the motion for continuance was submitted to the court.

Equitable Distribution Cases Only: Moving party must indicate that he or she is aware counsel is requesting a continuance after the first continuance.

() Plaintiff

() Defendant

Date

Copy to:

James P. Cooney, III, Esq.

Attorney for () Plaintiffs (x) Defendants

Date

Tricia M. Derr, Esq.

Attorney for () Plaintiffs (x) Defendants

Date

This Motion is (X) Allowed () Denied

Date Rescheduled: 1-9-06 @ 10:00am in 307Monette P. Derr

Presiding Judge/TCA

Date

{W0200104-1}

* Please Notify All Parties *

STATE OF NORTH CAROLINA
SUPERIOR COURT DIVISION
MECKLENBURG COUNTY

IN THE GENERAL COURT OF JUSTICE

CASE NO. 05-CVS-011118

JABKIEWICZ, JOSEPH, STANLY
JABKIEWICZ, KATHLEEN, MARIE ESTATE OF

V.

NOTICE OF CIVIL MOTION HEARING

JEMSEK, JOSEPH, G MD
ROESKE, CHRISTIE RNP

LOCATION	DATE OF HEARING	TIME	JUDGE
Civil Courts Bldg 800 East Fourth Street Charlotte, NC 28202	11/28/2005	10:00 AM	To Be Announced

COURTROOM 307 TELEPHONE (704)347-7830

NATURE OF HEARING: MEDICAL MALPRACTICE DISCOVERY CONFERENCE

YOU ARE HEREBY NOTIFIED that your case is set for hearing at the above date, time and place. Parties are required to appear or notify the court if their hearing has been settled and they no longer require a hearing. Sanctions may be imposed by the court for failure to appear.

Cases on Clean-up Calendar are scheduled for discontinuance, default, dismissal, filing of orders or other appropriate disposition as the court determines. Failure of counsel to appear or file defaults, delinquent orders or judgments at the time the case is called may result in the dismissal of this action by the Court.

RULE 14: CIVIL CALENDAR RULES FOR THE 26TH JUDICIAL DISTRICT.

14.1 Cases or motions scheduled for trial or hearing which are removed due to consent or settlement shall be considered delinquent if the order, judgment or disposition is not presented to the court for signature or filing within ten working days after the case was announced settled.

PARTIES SHOULD NOTIFY THE TRIAL COURT ADMINISTRATOR'S OFFICE IF THEIR CASE HAS BEEN SETTLED AND FILE THE APPROPRIATE DISPOSITIONAL PAPERS.

For questions not answered by this notice, contact:

Meredith P. Davis

Caseflow Management Administrator

704-347-7852

Date of Notice: 11/01/2005

Calendars available on the Internet @ www.nccourts.org

DERR, TRICIA, MORVAN
301 S COLLEGE ST, SUITE 3500
CHARLOTTE, NC 28202-6037

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
05 NOV 14 AM 10:05
MECKLENBURG CO., C.S.C.
05-CVS-11118

JOSEPH STANLY JABKIEWICZ,
Administrator of the ESTATE OF
KATHLEEN MARIE JABKIEWICZ, and
JOSEPH STANLY JABKIEWICZ,
Individually, and as Guardian Ad Litem for
Minors MATTHEW JOSEPH
JABKIEWICZ and MICHAEL STEVEN
JABKIEWICZ,

Plaintiffs,

vs.

JOSEPH G. JEMSEK, M.D.,
CHRISTIE ROESKE, R.N.P., and
THE JEMSEK CLINIC, P.A.,

Defendants.

NOTICE OF DEPOSITION


To counsel of record for defendants:

PLEASE TAKE NOTICE that on January 16, 2006, at nine o'clock (9:00) a.m., in the law offices of Womble, Carlyle, Sandridge & Rice, PLLC, One Wachovia Center, Suite 3500, 301 South College Street, Charlotte, North Carolina 28202, the Plaintiffs, through counsel, will take the videotaped deposition of Dr. Joseph G. Jemsek, upon oral examination pursuant to Rules 26, 30 and other of the North Carolina Rules of Civil Procedure, for discovery and use as evidence, or both, before an officer and reporter authorized by law to administer oaths. Said examination will continue from day to day until completed.

This the 14 day of November, 2005.

OF COUNSEL:

CAUDLE & SPEARS, P.A.
2600 Interstate Tower
121 West Trade Street
Charlotte, NC 28202
Telephone: 704/ 377-1200
Facsimile: 704/ 338-5858


Eric Allen Rogers
Attorney for Plaintiffs

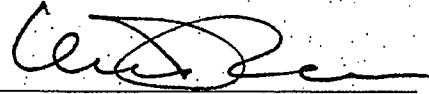
CERTIFICATE OF SERVICE

I hereby certify that the pleading or paper to which this certificate is attached was served upon each party to this action by the deposit of a copy thereof enclosed in a postpaid, properly addressed wrapper in an official depository under the exclusive care and custody of the United States Postal Service for mailing to the attorney of record for each party at the following address:

James P. Cooney, III, Esq.
WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
One Wachovia Center, Suite 3500
301 South College Street
Charlotte, NC 28202-6037

Tricia M. Derr, Esq.
WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
One Wachovia Center, Suite 3500
301 South College Street
Charlotte, NC 28202-6037

This the 16 day of November, 2005.



Eric Allen Rogers
Attorney for Plaintiffs

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

COUNTY OF MECKLENBURG

FILED SUPERIOR COURT DIVISION

05-CVS-11118

05 NOV 14 AM 10:06
MECKLENBURG CO., C.S.C.

JOSEPH STANLY JABKIEWICZ,
Administrator of the ESTATE OF
KATHLEEN MARIE JABKIEWICZ, and
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Minors MATTHEW JOSEPH
JABKIEWICZ and MICHAEL STEVEN
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Plaintiffs,

vs.

JOSEPH G. JEMSEK, M.D.,
CHRISTIE ROESKE, R.N.P., and
THE JEMSEK CLINIC, P.A.,

Defendants.

NOTICE OF DEPOSITION

To counsel of record for defendants:

PLEASE TAKE NOTICE that on January 17, 2006, at ten o'clock (10:00) a.m., in the law offices of Womble, Carlyle, Sandridge & Rice, PLLC, One Wachovia Center, Suite 3500, 301 South College Street, Charlotte, North Carolina 28202, the Plaintiffs, through counsel, will take the videotaped deposition of Christie Roeske, R.N.P., upon oral examination pursuant to Rules 26, 30 and other of the North Carolina Rules of Civil Procedure, for discovery and use as evidence, or both, before an officer and reporter authorized by law to administer oaths. Said examination will continue from day to day until completed.

This the 14 day of November, 2005.

OF COUNSEL:

CAUDLE & SPEARS, P.A.
2600 Interstate Tower
121 West Trade Street
Charlotte, NC 28202
Telephone: 704/ 377-1200
Facsimile: 704/ 338-5858



Eric Allen Rogers
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that the pleading or paper to which this certificate is attached was served upon each party to this action by the deposit of a copy thereof enclosed in a postpaid, properly addressed wrapper in an official depository under the exclusive care and custody of the United States Postal Service for mailing to the attorney of record for each party at the following address:

James P. Cooney, III, Esq.
WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
One Wachovia Center, Suite 3500
301 South College Street
Charlotte, NC 28202-6037

Tricia M. Derr, Esq.
WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
One Wachovia Center, Suite 3500
301 South College Street
Charlotte, NC 28202-6037

This the 14 day of November, 2005.



Eric Allen Rogers
Attorney for Plaintiffs